

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 70243

George Clark
Denise Clark

222 Parkwood Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 30, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, failure to remove junk, trash and debris; Baltimore County Zoning Regulations (BCZR) section 428, 415A, 1B01.1D, failure to tag/remove untagged vehicles, failure to move improperly parked boat on residential property known as 222 Parkwood Road, 21222.

On December 7, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Buc Thompson issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: George and Denise Clark, Respondents, and Buc Thompson, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on October 28, 2009 for removal of untagged/inoperative motor vehicles, remove open dump/junk yard, improperly parked recreation vehicle, remove trash and debris, cut and remove tall grass and weeds at this owner-occupied residential property. This Citation was issued on December 7, 2009.

B. Inspector Buc Thompson testified that his first inspection found a boat improperly parked in front of the property, two untagged vehicles, and junk, trash and debris in the yard. Re-inspection on December 1, 2009 found the same violations. Re-inspection on December 29, 2009 found the junk, trash and debris has been cleaned up. The untagged vehicles and boat are still there but one vehicle is on a trailer.

C. Respondents George and Denise Clark testified that the cars have been removed prior to this Hearing and that the boat has been moved. They brought photographs showing that the violations have been corrected.

D. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. County zoning regulations restrict the parking of a recreational boat to specific areas of the rear and side yard. BCZR Section 415A.1. However, Respondents have testified that the violations were corrected prior to this Hearing. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if re-inspection finds the violations have been corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars)

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection finds the violations have been corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 12th day of January 2010.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.